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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 MERRICK J. MOORE,

11 Plaintiff,

No. 2:04-cv-0763 GEB CKD P

12 vs.

13 S. SALENGER, et al.,

14 Defendants.

ORDER

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16 On April 15, 2013, plaintiff filed a motion asking that this court reconsider its  
17 March 26, 2013 order adopting the magistrate judge's February 1, 2013 findings and  
18 recommendations, thereby dismissing this action.

19 A district court may reconsider a ruling under either Federal Rule of Civil  
20 Procedure 59(e) or 60(b). See Sch. Dist. Number. 1J, Multnomah County v. ACandS, Inc., 5  
21 F.3d 1255, 1262 (9th Cir. 1993). "Reconsideration is appropriate if the district court (1) is  
22 presented with newly discovered evidence, (2) committed clear error or the initial decision was  
23 manifestly unjust, or (3) if there is an intervening change in controlling law." Id. at 1263.

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1 Plaintiff does not present newly discovered evidence suggesting this matter should  
2 not be dismissed. Furthermore, the court finds that, after a de novo review of this case, the  
3 March 26, 2013 order adopting the magistrate judge's February 1, 2013 findings and  
4 recommendations is neither manifestly unjust nor clearly erroneous.

5 Accordingly, IT IS HEREBY ORDERED that plaintiff's April 15, 2013 motion  
6 for reconsideration (Dkt. No. 84) is denied.

7 Dated: April 30, 2013

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10 GARLAND E. BURRELL, JR.  
11 Senior United States District Judge  
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